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MAY 10 2001

MARY E. D'ANDREA, CLERK

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN WASHINGTON GORDON, :
Plaintiff :
 : Civil No. 1:CV-01-0331
v. :
 : (Judge Rambo)
N. GONZALEZ, et al., :
Defendants :

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO STOP THE DEFENDANTS FROM DESTROYING SURVEILLANCE VIDEO TAPE TAKEN ON SEPTEMBER 9, 2000 AT USP LEWISBURG

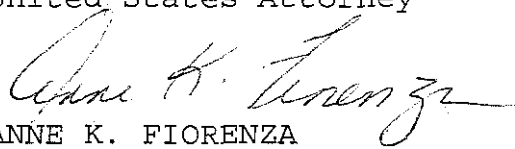
On February 22, 2001, plaintiff Juken Washington Gordon filed this Bivens action against eight employees of the Bureau of Prison ("BOP") at the United States Penitentiary at Lewisburg, Pennsylvania ("USP Lewisburg"). On or about April 10, 2001, Gordon filed a Motion to Stop the Defendants from Destroying Surveillance Video Tape Taken on September 9, 2000 at USP Lewisburg. Following an enlargement of time, this brief is filed in opposition to the motion.

On April 30, 2001, the United States Attorney's Office contacted legal counsel at USP Lewisburg regarding the existence of the tape referenced in Gordon's motion. At that time, legal counsel at USP Lewisburg informed the undersigned that the tape is

question is still in existence, and that the Special Investigative Services ("SIS") staff at USP Lewisburg has been instructed not to destroy the tape. Therefore, undersigned believes that Gordon's motion is moot. In the alternative, the undersigned would agree to the entry of an order directing that the SIS office retain custody of the tape during the pendency of this litigation, as it has agreed to do.

Respectfully submitted,

MARTIN C. CARLSON
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Dated: May 10, 2001

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.


That this 10th day of May, 2001, she served a copy of the attached

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO STOP THE
DEFENDANTS FROM DESTROYING SURVEILLANCE VIDEO TAPE
TAKEN ON SEPTEMBER 9, 2000 AT USP LEWISBURG

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Juken Washington Gordon
Reg. No. 05373-088
USP Allenwood
P.O. Box 3000
White Deer, PA 17887


REBECCA A. PLESIC
Legal Secretary